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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

HELEN JANE ROMERO, *et. al.*,)
)
Plaintiffs,)
)
v.)
)
NEVADA DEPARTMENT OF)
CORRECTIONS, *et. al.*,)
)
Defendants.)

Case No. 2:08-cv-00808-GMN-LRL

**MOTION FOR EXTENSION OF TIME TO
REPLY TO PLAINTIFFS' OPPOSITION TO
MOTION FOR SUMMARY JUDGMENT**

AND ORDER

Defendants, by and through counsel, Catherine Cortez Masto, Attorney General of the State of Nevada, and Robert Simon, Deputy Attorney General, hereby respectfully request an extension of time to file a reply to Plaintiffs' *Response and Opposition to Defendant's Motion for Summary Judgment*. (Docket #104).¹ This request for an extension of time is based on Fed. R. Civ. Pro. 6, the following points and authorities, and the papers and pleadings on file herein.

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

On March 30, 2011, the Court ordered Plaintiffs to respond to a limited number of the arguments set forth in Defendants' *Motion for Summary Judgment*. (Docket #92).

On July 5, 2011, Defendants' new counsel of record, Robert Simon, entered his first appearance in this matter. (Docket #103).

¹ Refers to the Court's docket herein.

On July 6, 2011, Plaintiffs filed their *Response and Opposition to Defendant's Motion for Summary Judgment* addressing the issues previously identified, but also discussing several facts and arguments outside of the current issues to be briefed. (Docket #104).

Pursuant to the current deadlines set forth in LR 7-2 (c) and Fed. R. Civ. P. 6, Defendants' reply to Plaintiffs' *Response and Opposition to Defendant's Motion for Summary Judgment* is due on July 18, 2011.

II. DISCUSSION

Fed. R. Civ. P. 6 (b)(1) governs enlargements of time and provides as follows:

When an act may or must be done within a specified time, the court may, for good cause, extend the time: (A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires; or (B) on motion made after the time has expired if the party failed to act because of excusable neglect.

Defendants' counsel seeks an enlargement of seven (7) days up and through Monday, July 25, 2011 to reply to Plaintiffs' *Response and Opposition to Defendant's Motion for Summary Judgment*.

This extension would provide Defendants' counsel fourteen (14) days plus three (3) days for mailing from the original date of filing to respond to Plaintiffs' *Response and Opposition to Defendant's Motion for Summary Judgment*. Defendants argue this extension is not excessive as it allows them fourteen (14) days to file a reply to an opposition to a motion for summary judgment. This briefing schedule is currently one of the proposed changes to LR 7-2 which would be amended to include the following language:

(e) The time for filing of a motion for summary judgment shall be governed by Federal Rules of Civil Procedure 56(b). A party opposing the motion must file a response within twenty-one (21) days after the motion is served or a responsive pleading is due, whichever is later. The movant may file a reply within fourteen (14) days after the response is served.

<http://www.nvd.uscourts.gov/Files/FINAL%20Public%20Comment%20033111.pdf>, p. 11 (last visited on July 17, 2011). This proposed amendment has not yet taken effect and the current deadline of seven (7) days to file a reply pursuant to LR 7-2 (c) still applies. However,

Defendants argue that this proposed amendment to LR 7-2 shows that such an extension would not be unreasonable or excessive.

As the Court has limited the number of issues that need to be addressed at this time, Defendants' new counsel is attempting to sort out those irrelevant arguments and facts in opposition to summary judgment. This extension would also allow Defendants' new counsel time to familiarize himself with the filings and underlying facts in dispute.

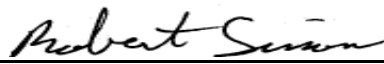
Defendants' request for an extension of time is made in good faith and before the deadline to respond has expired. This is Defendants' first request for an extension of time to file a reply to Plaintiffs' *Response and Opposition to Defendant's Motion for Summary Judgment*.

III. CONCLUSION

Based the reasonableness of the amount of time requested and on the appearance of new counsel, Defendants' respectfully requests an extension of time of seven (7) days until Monday, July 25, 2011 to file a reply to Plaintiffs' *Response and Opposition to Defendant's Motion for Summary Judgment*.


Dated: July 18, 2011.

CATHERINE CORTEZ MASTO
Attorney General

By: 
ROBERT SIMON
Deputy Attorney General
Bureau of Litigation

Attorneys for Defendants

IT IS SO ORDERED this 19th day of July, 2011.


Gloria M. Navarro
United States District Judge